



Practitioner's Docket No. BC101.0

**PATENT**

---

**COMBINED DECLARATION AND POWER OF ATTORNEY**

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)**

---

As a below named co-inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and co-inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Tank Fluid Parameter Monitoring Device and Method

**SPECIFICATION IDENTIFICATION**

The specification was filed on December 5, 2003 as application number 10/729,670.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and in compliance with this duty, there was an information disclosure statement filed on December 5, 2003, in accordance with 37 C.F.R. Section 1.98.

## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

### APPOINTED PRACTITIONER(S)

Kirk A. Wilson

### REGISTRATION NUMBER(S)

45,939

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

---

### SEND CORRESPONDENCE TO:

Kirk A. Wilson  
2333 Brighton Farms Blvd.  
Knoxville, TN 37932

### DIRECT TELEPHONE CALLS TO:

Kirk A. Wilson  
865-693-6281  
Customer Number 31672

---

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

1. Edward R. Cochran, Jr.

Inventor's signature

Date

6-22-2004

Edward R Cochran Jr  
Country of Citizenship U.S.

Residence Ridgeland, MS

Post Office Address 556 Heatherstone Court, Ridgeland, MS 39158

2. Alton E. Windsor, Jr.

Inventor's signature [Nonsigning co-inventor; see additional pages]\_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship U.S.

Residence Jackson, MS

Post Office Address 1904 Bellewood Road; Jackson, MS 39211

**SIGNATURE BY JOINT INVENTOR(S) ON BEHALF OF NONSIGNING  
INVENTOR(S) WHO CANNOT BE REACHED  
(37 C.F.R. section 1.47(a))**

- I.** I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 C.F.R. section 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Alton E. Windsor, Jr., nonsigning inventor who cannot be found or reached.

*Country of Citizenship of nonsigning inventor:*

U.S.

*Last known address of nonsigning inventor:*

1904 Bellewood Road  
Jackson, MS 39211

- II.** Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR.
- (2) THE PETITION FEE OF \$130.00 (37 C.F.R. section 1.17(h)).

Edward Robert Cochran, Jr.

  
Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Edward Robert Cochran, Jr., Alton E. Windsor, Jr.

For: Tank Fluid Parameter Monitoring Device and Method

The specification of which was filed on December 5, 2003, as Application No. 10/729,670.

**STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. SECTION 1.47)**

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

**IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS**

Edward R. Cochran, Jr.  
556 Heatherstone Court  
Ridgeland, MS 39158

**EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND  
OBTAIN INVENTOR'S SIGNATURE**

On December 3, 2003, I spoke with Mr. Windsor's family to obtain his contact information in the alcohol treatment center. I called Mr. Windsor at the given phone number and requested a return call. I was told that Mr. Windsor did not wish to speak with me and he could not conduct business.

**LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR**

Alton E. Windsor, Jr.  
1904 Bellewood Road  
Jackson, MS 39211

#### **DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR**

Mr. Cochran attempted to communicate with Mr. Windsor when he was no longer in confinement. During his treatment he was isolated from all outside contact. Once he was released from treatment, he was placed in a half way house and outside contact was restricted. He would not return any phone calls during his stay at this facility. He still will not return phone calls to Mr. Cochran.


#### **DETAILS OF REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS**

Mr. Cochran attempted to obtain Mr. Windsor's signature on the declaration at the time of filing the patent application. Mr. Cochran was unable to speak to Mr. Windsor to discuss the patent application with him. The application was filed without the signed declaration in hopes that Mr. Windsor's health would improve enough to sign when missing parts were filed. His health did not improve and Mr. Windsor still refuses to communicate with Mr. Cochran.

#### **PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES**

Invention rights must be preserved since commercialization of the invention is currently being pursued by Mr. Cochran on behalf of his company Accu-Track Technologies, Inc. Mr. Windsor was a partner in this company prior to his health problems. Mr. Cochran has purchased Mr. Windsor's part of the company since Mr. Windsor is unable to participate in the running of the company.

Date: 6-22-2004

  
Signature of person making statement